

REMARKS

Claims 1-23 are pending in the application.

Claims 4, 6-9, 13-15 and 17-23 are withdrawn.

Claims 1-3, 5, 10-12 and 16 are rejected.

Claims 1-3, 5, 10-12 and 15 are rejected under 35 USC 102(a) as being anticipated by EP 01277808.

EP 01277808 discloses pigment compositions comprising a pigment and urea-aldehyde resin.

However, the Applicants claim 1 reads:

A paint composition comprising a **water-based** paint system having an **aqueous phase** with colorant granules that do not dissolve in the aqueous phase whereing the granules have a particle size within the range of 100 to 500 μm .

A careful reading of EP '808 shows no disclosure of water-based paint systems containing the urea-aldehyde pigment granules.

Col. 2, paragraph [0009] reads:

Products, for example **solvent paints, spread coatings and powder coatings**, comprising the pigment compositions show high color strength...

Col. 5, paragraph [0029] reads:

The present invention relates also to the use of compositions according to the invention as colourants, especially for colouring or pigmenting organic or inorganic, high molecular weight or low molecular weight material, especially high molecular weight organic material.

Col. 5, paragraph [0031] lists these high molecular weight materials.

Col. 6 paragraph [0033] goes onto list many potential applications. There is no mention of water-based coatings or latex based paints.

Not one example discloses a water-based paint or coating. Where coating are exemplified all are solvent base. See example 1,2, 3 and 4.

Thus the limitation **-water-based paint system having an aqueous phase-** of claim 1 are not disclosed or suggested in EP '808 and therefore EP'808 does not anticipate the present invention. In order for there to be anticipation all elements must be present in the reference.

Thus the composition comprising a urea-aldehyde pigment granules in a **water based paint system** having an aqueous phase is certainly novel in light of EP '808. As EP'808 never suggested or disclosed these particles in a water-based system, EP'808 could not have been aware of the advantages of this composition, namely the color burst upon the application of shear or pressure on the colorant granules to achieve the faux effect.

Reconsideration and withdrawal of the rejection of claims 1-3, 5, 10-12 and 16 is respectfully solicited in light of the remarks *supra*.

Since there are no other grounds of objection or rejection, passage of this application to issue with claims 1-3, 5, 10-12 and 16 is earnestly solicited.

Applicants submit that the present application is in condition for allowance. In the event that minor amendments will further prosecution, Applicants request that the examiner contact the undersigned representative.

Respectfully submitted,



Shiela A. Loggins
Agent for Applicants
Reg. No. 56,221

Ciba Specialty Chemicals Corporation
540 White Plains Road
Tarrytown, New York 10591
(914) 785-2768
SAL22844R2.doc